

REMARKS

Claims 2-12 and pending. Claim 1 and non-elected claims 9 and 10 have been cancelled. Claims 2-8 have been amended. Claims 11-12 have been added. The specification has been amended to correct minor informalities and to reference new figure labels required to overcome the Draftperson's objections. A substitute specification is attached. No new matter has been added.

Information Disclosure Statement

The Examiner asserts that the Information Disclosure Statement filed on June 17, 2005 fails to comply with 37 C.F.R. § 1.98(a)(2) in that a legible copy of each cited foreign patent document has not been provided. Applicant made a *bona fide* attempt to comply with § 1.98 because Applicant complied with all of the provisions of § 1.98 except § 1.98(a)(2)(i) and believed that the copies required by § 1.98(a)(2)(i) were already included in the national stage application file. Therefore, pursuant to § 1.97(f), Applicant respectfully requests additional time to enable full compliance and, to that end, submits herewith the copies required by § 1.98(a)(2)(i). Applicant requests that the Information Disclosure Statement now be considered.

Priority

The Examiner acknowledges Applicant's claim of foreign priority based on Italian application MI2003A000125 filed January 27, 2003 but notes that Applicant "has not filed a certified copy of the Italian application as required by 35 U.S.C. 119(b)." Applicant respectfully directs the Examiner's attention to MPEP § 1896, which reads, in relevant part, as follows:

Where applicant filed an international application claiming priority to an earlier filed national application, the certified copy of the priority application may be provided to the International Bureau by applicant

during the international stage. The International Bureau (WIPO) then sends a copy of the certified copy of the priority application to each designated office for inclusion in the national stage application. A U.S. national stage application filed under 35 U.S.C. 371 will have a photocopy of the priority document with the first page stamped by the International Bureau to indicate that it is a priority document received by WIPO and the date of such receipt. Such a photocopy is acceptable in a U.S. national stage application to establish that applicant has filed a certified copy of the priority document.

Applicant timely filed a certified copy of the priority document under PCT Rule 17 during the international phase, and a copy of the priority document should be present in the national stage application file. In any event, a copy of the certified Italian application, as it appears in the WIPO file and bearing the WIPO stamp, is enclosed herewith.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which the Applicant regards as the invention. Independent claim 1 has been cancelled and rewritten as new independent claim 11 to address the concerns expressed by the Office Action. Dependent claims 2-8 have been amended to address the concerns expressed by the Office Action and now depend from claim 11. Applicant respectfully suggests that amended claims 2-8 and new claims 11-12 satisfy the requirements of § 112, second paragraph. Therefore, the rejection of claims 2-8 should be withdrawn and claims 2-8 and 11-12 allowed.

Objections to the Drawings


The drawings stand objected to on various grounds enumerated in a Notice of Draftsperson's Patent Drawing Review accompanying the Office Action. Applicant has prepared new drawings, submitted herewith, and respectfully submits that the new drawings cure the alleged deficiencies. Therefore, the objection to the drawings should be withdrawn.

Conclusion

Applicant appreciates the Office Action's acknowledgement that claims 1-8 would be allowable if rewritten or amended in compliance with § 112, second paragraph. The claims have been so rewritten or amended. Therefore, Applicant submits that the application is in condition for immediate allowance and respectfully requests that it be passed to issue.

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Respectfully submitted,

By 

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